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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,027	12/14/2001	Toshiaki Iizuka	B422-178	5437
26272 7590 11/28/2007 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER OUELLETTE, JONATHAN P	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/017,027	<b>Applicant(s)</b> IIZUKA, TOSHIAKI	
	<b>Examiner</b> Jonathan Ouellette	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-18,22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-18,22 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. The Request filed on 10/29/2007 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/017027 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Response to Amendment***

2. Claims 1-15, 19-21, 23, and 25 have been cancelled, therefore, Claims 16-18, 22, and 24 are currently pending in application 10/017,027.

### ***Claim Rejections - 35 USC § 112***

3. The rejection of Claims 16, 22, and 24 under 35 U.S.C. 112, first paragraph, is withdrawn due to Applicant's amendments.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. **Claims 16-18, 22, and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aikens et al. (US 6,216,113)**.
6. As per new **independent Claims 16, 22, and 24**, Aikens discloses a client terminal (control method, record medium) in which a software including a plurality of functions is installed and which is capable of communicating with a server apparatus (Fig.1), the terminal comprising: a setting unit, which sets respective flags of said plurality of functions into an enabling state and a disabling state so that the function the flag of which is set into the enabling state is to be subjected to charging; a controlling unit, which controls usability of the function in accordance with the state of the flag thereof set by said setting unit, so as to make the function the flag of which is set in the enabling state, usable and make the function the flag of which is set in the disabling state, unusable (Fig.5, Yes/No to Validity, Validity Control, Exceed Acct. Limit control – are all equivalent forms of setting an enabling/disabling flag for use of functions); a payment unit, which executes payment processing of a price of the function the flag of which is set in the enabling state by said setting unit; a prohibition request unit, which automatically requests the server apparatus to prohibit the usability of the function (Fig.5, Exceed Acct Limit control – Yes decision automatically determined); and a changing unit, which changes the state of the flag of the function said counted period of which exceeds the predetermined period, from the enabling state to the disabling state in response to a response of said server apparatus to the prohibition request by said prohibition request unit (Fig.5, Exceed Acct limit control is equivalent to setting a enabling or disabling flag).

7. Aikens fails to expressly disclose *a count unit, which counts a period in which said function the flag of which is set in the enabling state, remains being not used*; a prohibition request unit, which automatically requests the server apparatus to prohibit the usability of the function subjected to period counting by said counting unit if said counted period counted by said count unit exceeds a predetermined period; and a changing unit, which changes the state of the flag of the function said counted period of which exceeds the predetermined period, from the enabling state to the disabling state in response to a response of said server apparatus to the prohibition request by said prohibition request unit.
8. However, Aikens does disclose the use of billing counters (C5, measuring usage limits; Fig.5, total usage) and the periodic accumulation of billing information (C4 L23-35), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to cancel the account (equivalent to disabling use of function) or to stop replenishing funds in the account (equivalent to stopping charges) if the billing count information (use of functions) was null upon billing information transfer (count of 1 period between last data transfer), for the purpose of increasing system efficiency and decreasing system load, by only supporting active users of the system.
9. As per new Claim 17, Aikens discloses wherein the function is at least one of a scan function, print function, a copy function and a facsimile transmission function (Fig.4, print function).
10. As per new Claim 18, Aikens discloses an icon display unit, which displays icons corresponding respectively to said plurality of functions, said icon display unit distinctly displays the icons among said plurality of functions in different states in accordance with the

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enabling state and the disabling state of the flags thereof (C2, L51-65, Icons; Fig.2, Machine status Icon).

***Response to Arguments***

11. Applicant's arguments filed 10/29/2007, with respect to Claims 3, 10-15, 18-40, 42, 44-47, and 51-75, have been considered, but are not persuasive. The rejection will remain as **FINAL** based on the cited prior art.
12. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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14. The Applicant has made the argument that the cited prior art fails to expressly teach or disclose *a count unit, which counts a period in which said function the flag of which is set in the enabling state, remains being not used*; a prohibition request unit, which automatically requests the server apparatus to prohibit the usability of the function subjected to period counting by said counting unit if said counted period counted by said count unit exceeds a predetermined period.
15. However, Aikens does disclose the use of billing counters (C5, measuring usage limits; Fig.5, total usage) and the periodic accumulation of billing information (C4 L23-35 – periodic accumulation of null billing information equivalent to count unit described in instant invention), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to cancel the account (equivalent to disabling use of function) or to stop replenishing funds in the account (equivalent to stopping charges) if the billing count information (use of functions) was null upon billing information transfer (count of 1 period between last data transfer), for the purpose of increasing system efficiency and decreasing system load, by only supporting active users of the system.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization

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where this application or proceeding is assigned (571) 273-8300 for all official communications.

18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

November 25, 2007

JONATHAN OUELLETTE  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600

